



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,301	04/09/2004	James J. Leskiewicz	J-3924	2675
28165 7590 05/06/2009 S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236				
EXAMINER				
DOUYON, LORNA M				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
05/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,301

Applicant(s)

LESKOWICZ ET AL.

Examiner

Lorna M. Douyon

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2.9-16, 19-28, 35-38, 45-50, 55-58, 62-65, 67, 68, 70 and 71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2.9-16, 19-28, 35-38, 45-50, 55-58, 62-65, 67, 68, 70 and 71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This action is responsive to the amendment filed on January 28, 2009.
2. Claims 2, 9-16, 19-28, 35-38, 45-50, 55-58, 62-65, 67-68, 70-71 are pending.
3. Claims 2, 9-16, 19-28, 35-38, 45-50, 55-58, 62-65, 67-68, 70-71 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said at least one low-volatile non-volatile organic compound (non-volatile) evaporative organic solvent" in lines 7-9. There is insufficient antecedent basis for this limitation in the claim. Please note that the first occurrence of "at least one low volatile...evaporative organic solvent" is in lines 3-5, and this phrase does not include the term "non-volatile".

Claim 62 is indefinite for the same reason as in claim 2.

The remaining claims, being dependent from claims 2 or 62, are rejected as well.

4. Claims 2, 12, 16, 24, 26, 28, 38, 48, 50, 56, 67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neumiller et al. (US Patent No. 5,849,681), hereinafter "Neumiller '681" for the reasons set forth in the previous office action.

5. Claims 10, 14, 20, 22, 36, 46, 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neumiller '681 as applied to the above claims, and further in view of Neumiller (US Patent No. 5,716,921), hereinafter "Neumiller '921" for the reasons set forth in the previous office action.

6. Claims 2, 11-12, 15-16, 23-28, 37-38, 47-50, 55-56, 62-63, 65, 67-68, 70-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (EP 0,527,625) for the reasons set forth in the previous office action.

7. Claims 2, 12, 16, 24, 26, 28, 36, 38, 48, 50, 56, 67 and 70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Michael (US Patent No. 5,540,864) for the reasons set forth in the previous office action.

8. Claims 10, 14, 20, 22, 36, 46, 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Michael as applied to the above claims, and further in view of "Neumiller '921" for the reasons set forth in the previous office action.

9. Claims 9-10, 13-14, 19-22, 35-36, 45-46, 57-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings as applied to the above claims, and further in view of "Neumiller '921" for the reasons set forth in the previous office action.

Art Unit: 1796

10. Claims 2, 11-12, 15-16, 23-28, 37-38, 47-50, 55-56, 62-65, 67-68, 70-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (WO 99/11123) for the reasons set forth in the previous office action.

11. Claims 9-10, 13-14, 19-22, 35-36, 45-46, 57-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Conway as applied to the above claims, and further in view of Neumiller (US Patent No. 5,716,921), hereinafter "Neumiller '921" for the reasons set forth in the previous office action.

12. Claims 11, 15, 23, 25, 27, 37, 49, 55, 62-65, 68 and 71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Michael as applied to the above claims, and further in view of Conway for the reasons set forth in the previous office action.

13. Claims 11, 15, 23, 25, 27, 37, 47, 49, 55, 62-65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neumiller '681 as applied to the above claims, and further in view of Conway for the reasons set forth in the previous office action.

14. Claim 64 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings as applied to the above claims, and further in view of Conway for the reasons set forth in the previous office action.

15. Claims 2, 9, 11-13, 15-16, 19, 21, 23-28, 35-38, 45, 47-50, 55-57, 62-65, 67-68, 70-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Masters et al. (US Patent No. 5,534,198), hereinafter "Masters" for the reasons set forth in the previous office action.

16. Claims 10, 14, 20, 22, 46, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters as applied to the above claims, and further in view of "Neumiller '921" for the reasons set forth in the previous office action.

Response to Arguments

17. Applicants' arguments filed January 28, 2009 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon Neumiller '681, Applicants argue that it would not have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an amphoteric surfactant or the combination of anionic and amphoteric surfactants as asserted by the examiner to adjust the surface tension of the composition as taught by Neumiller '681 and obtain applicants' claimed composition. Applicants also argue that Neumiller '681 does not provide any teaching as to VOC content, and no recognition is provided as to the criticality of including in the composition a low volatile non-VOC evaporative glycol ether solvent with the claimed limited water solubility and ability to reduce surface tension to less than 40 dynes/cm, as well as inclusion of a co-solvent of from the first solvent having different solubility and

surface tension reduction capacity, and including an alcohol and alkanolamine, and the only manner in which this particular claimed combination of elements could be provided is through the use of impermissible hindsight.

In response to applicants' argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As stated in the previous office action, Neumiller '681 teaches an aqueous cleaning composition for glass surfaces (which are hard surfaces) which comprises a combination of at least one nonvolatile organic ether compound and at least one anti-streaking alcohol compound, and if desired, an amphoteric surfactant and an organic solvent, the nonvolatile organic ether compound has a formula as those recited and is present in an amount from about 0.1 to about 5.0 total weight percent (see abstract; col. 3, lines 1-65), and the composition has a pH above 7, more preferably from 8-13 and ideally from 10-11 (see col. 7, lines 2-6). Neumiller '681 also teaches that the aqueous glass cleaning composition may also contain one or more surfactants to adjust the surface tension of the composition which include anionic surfactants and amphoteric surfactants (see col. 5, lines 40-48), for example, capryloamphodipropionate (see col. 6, lines 1-2), and the surfactant(s) will be employed in the range from 0 to about 5.0

weight percent (see col. 6, lines 9-13). In Example 3, Neumiller '681 teaches an anti-streak glass cleaning composition comprising 0.1500 wt% decyl (sulfophenoxy) benzenesulfonic acid disodium salt (an anionic surfactant); 0.2000 wt% monoethanolamine; 0.6000 wt% ethylene glycol n-hexyl ether (which is the low volatile non VOC evaporative organic solvent as identified at least in instant claim 12, hence, it should have a limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm because same nonvolatile compounds have been utilized); 0.8000 wt% ethylene glycol n-butyl ether; 3.5000 wt% isopropyl alcohol (the aliphatic alcohol); 0.2500 wt% propylene glycol (the polyhydric alcohol) and balance soft water (see col. 7, lines 50-65). It should be noted that in this example, the volatile organic component which is isopropyl alcohol is 3.5 wt% which meets the instant claims' less than about 4% by weight volatile organic compound content. In view of the teachings of Neumiller '681 above with respect to the amphoteric surfactant, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an amphoteric surfactant into the composition, say for example, into the composition of Example 3 because it is clear from the teachings of Neumiller' 681 in col. 5, lines 40-48, that surfactants like amphoteric surfactants may be added to adjust the surface tension of the composition.

With respect to the obviousness rejection based upon Cummings, Applicants argue that Cummings does not teach or suggest a cleaning composition including an amphoteric surfactant in combination with the claimed VOC content and the claimed defined solvent, i.e., a low-volatile non-VOC evaporative organic solvent that has limited

solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm. Applicants also argue that Cummings does not teach the inclusion of an alcohol or alkanolamine as a co-solvent in a combination as claimed, Cummings does not recognize the problem being addressed by applicants of providing a cleaning composition with a low VOC content yet still providing acceptable cleaning ability, and that no suggestion is present to one skilled in the art to selectively modify these elements to provide the properties claimed to achieve the composition as claimed.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, Cummings teaches a glass (which is a hard surface) cleaning composition comprising 0.05 to 1.5% ethylene glycol monohexyl ether (which is the low volatile non VOC evaporative organic solvent as identified at least in instant claim 12, hence, it should have a limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm because same nonvolatile compounds have been utilized), 0.01 to 2% surfactant, 0 to 15% cosolvent and water (see abstract), the cosolvent especially being a mixture of a polar low and polar high boiling organic solvent (see page 4, lines 11-14) like from 0.1 to 8% isopropyl alcohol (see page 4, lines 15-19) and from 0.1 to about 5% propylene glycol (see page 4, lines 20-35), wherein the total solvent level present in the composition, including the ethylene glycol monohexyl ether and all cosolvents, will not exceed about 15% by weight of the composition, preferably will be less than about 10% by weight of the composition, and most preferably less than about 7% by weight of the composition (see

page 4, lines 36-38). Cummings also teaches that anionic, nonionic, amphoteric and zwitterionic surfactants, or mixtures thereof (see page 3, line 48) are suitable in the composition and are present in an effective cleaning amount, typically from about 0.001 to about 2% by weight of the composition (see page 4, lines 47-50), and builders like polyacrylic acid (see page 6, lines 29-41; page 13, line 35). The pH is modified with, for example, between about 0.01 to about 2%, monoethanolamine (see page 6, lines 18-26). Cummings teaches each of the ingredients having overlapping proportions as those required in the present claims, hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared a glass cleaning composition comprising ethylene glycol monohexyl ether, surfactant mixture like amphoteric surfactant and anionic surfactant, water, monoethanolamine, and cosolvent in their optimum proportions because the teachings of Cummings at least in page 3, lines 47-50; page 4, lines 47-51; and claim 1, encompass these combination of ingredients and proportions. The above combination of the aqueous phase ethylene glycol monohexyl ether, surfactant mixture like amphoteric surfactant and anionic surfactant, water, monoethanolamine, and cosolvent in their optimum proportions taught by Cummings yields predictable result of producing a hard surface cleaning composition which provides a low VOC content and a surface tension reduction within those recited. In addition, mere recognition of latent properties in the prior art does not render nonobvious an otherwise known invention, see *In re Wiseman*, 596 F.2d 1019, 201 USPQ 658 (CCPA 1979). Also, the fact that Applicants have recognized another advantage which would flow naturally from following the suggestion of the prior art

cannot be the basis for patentability when the differences would otherwise be obvious, see *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). See also MPEP 2145 II. Applicants have not provided any showing of criticality with respect to their specific ingredients having specific proportions when compared to similar components as those taught by Cummings.

With respect to the obviousness rejection based upon Michael, Applicants argue that Michael does not teach a hard surface cleaning composition having the combination as claimed including the defined glycol ether having a limited solubility in water of less than 20% and ability to reduce surface tension of the composition to less than 40 dynes/cm, an amphoteric surfactant and a co-solvent different from the glycol ether solvent and including at least an alcohol and an alkanolamine. Applicants also argue that Michael does not provide any recognition of criticality as to VOC content or provide any teaching or suggestion which would motivate one skilled in the art to pick select claimed compounds and provide such in the claimed amount to be within the claimed VOC content.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, Michael teaches an aqueous, liquid hard surface detergent composition which comprises 0.18 wt% Cocoamidopropyl-dimethyl-2-hydroxy-3-sulfoethylbetaine (amphoteric surfactant); 0.02 wt% Sodium Alkyl (-C₁₃) Sulfate (anionic surfactant); 0.5 wt% monoethanolamine; 3.0 wt% propylene glycol monobutylether; 3.0 wt% isopropanol and balance deionized water and minors, (see Example 1, Formula No. 6, col. 12, lines 29-45), wherein the pH is adjusted to about

Art Unit: 1796

10.9 (see col. 13, line 21). Michael also teaches the equivalency of propylene glycol monobutylether with other glycol ethers such as monoethyleneglycolmonoethyl ether (see col. 7, lines 6-15). The balance of the composition is typically water and non-aqueous polar solvents like isopropanol, propylene glycol and mixtures thereof, and the level of the nonaqueous polar solvent is from about 0.5% to about 40%, preferably from about 1% to about 10% and the level of water is from about 50% to about 99% (see col. 8, lines 14-24) . Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute propylene glycol monobutylether in Formula 6 of Example 1 with monoethyleneglycolmonoethyl ether because the substitution of art recognized equivalents is within the level of ordinary skill in the art as shown by Michael and to incorporate propylene glycol with isopropanol because mixture of these solvents is suggested by Michael. With respect to the VOC content of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 627 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff* 919 F.2d 1575, 1578,16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454,456,105 USPQ 233,235 (CCPA 1955). In addition, a *prima facie* case of

obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim*, 541 F.2d 257,191 USPQ 90 (CCPA 1976; *In re Woodruff*; 919 F.2d 1575,16USPQ2d 1934 (Fed. Cir. 1990). See MFEP 2131.03 and MPEP 2144.051. Also, Applicants have not provided any showing of criticality with respect to their specific ingredients having specific proportions when compared to similar components as those taught by Michael.

With respect to the obviousness rejection based upon Conway, Applicants argue that there is no guidance or suggestion to pick or choose select components and select amounts to achieve a defined VOC content in order to achieve the particular combination claimed by applicants.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, Conway teaches an aqueous cleaning composition for cleaning, disinfecting, and inhibiting mold and mildew growth on a non-porous hard surface (see abstract) which comprises an aliphatic alcohol, a glycol ether or ethers, and optionally, a secondary alcohol selected from the group consisting of monohydric alcohols, dihydric alcohols, trihydric alcohols and polyhydric alcohols at a pH in the range of from about 4.0 to about 13.0 (see page 4, lines 29-34), other conventional materials including surfactants, pH modifiers, etc. (see page 4, line 34 to page 5, line 1). Typically the aliphatic alcohol is utilized in an amount preferably from about 1.0% to about 10.0% by weight of the composition and the preferred aliphatic alcohol is isopropanol (see page 5, lines 7-15). Suitable glycol ethers include ethylene glycol n-hexyl ether and are generally present in the range from about 0.01 to about 10.0 total

weight percent (see page 6, lines 1-19). Preferred secondary alcohol is propylene glycol (see page 7, lines 32-33), and is generally employed in the range of up to about 5.0%, preferably from about 0.1% to about 3.5% by weight of the composition (see page 8, lines 1-3). The compositions may contain one or more surfactants to adjust the surface tension of the composition to aid in cleaning and these surfactants include anionic surfactants such as sodium dodecyl benzene sulfonate and sodium lauryl sulfate and amphoteric surfactants like capryloamphodipropionate (see page 9, lines 1-27), preferably in the range of from about 0.01% to about 3.0% by weight of the composition (see page 10, lines 1-4). The formulator may also include a cleaning solvent or cleaning supplement such as monoethanolamine in amounts preferably from about 0.01% to about 1.0% by weight of the composition (see page 10, lines 6-10), and thickening agents may also be utilized and include polyacrylic acid polymers and copolymers (see page 10, lines 12-16). Conway teaches each of the ingredients having overlapping proportions as those recited in the present claims. Applicants have not provided any showing of criticality with respect to their specific ingredients having specific proportions when compared to similar components as those taught by Conway.

With respect to the obviousness rejection based upon Masters, Applicants argue that Masters does not provide any teaching or suggestion which would result in picking and choosing select components and providing such in a particular combination as claimed by applicants as to amounts, components, volatility, water solubility and surface tension reduction capacity. Applicants also argue that Masters recognizes the

desirability of inclusion of hydrophobic volatile solvents in improving the cleaning ability of the composition (column 6, line 63 to column 7, line 2).

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, Masters teaches an aqueous liquid hard surface detergent composition having improved cleaning and good filming/streaking characteristics after rewetting and comprising: (A) from about 0.001% to about 2% by weight of detergent surfactant selected from the group consisting of: (1) an amphocarboxylate detergent surfactant (2) a zwitterionic detergent surfactant (3) an anionic detergent surfactant, and (4) mixtures thereof; (B) from about 0.5% to about 15% by weight of hydrophobic solvent having a hydrogen bonding parameter of from about 2 to about 7.7; (C) alkaline material to provide a pH, measured on the product, of from about 9 to about 12; (D) from about 0.01% to about 0.3% by weight of substantive polymer that makes glass more hydrophilic, in an effective amount to provide an improvement in spotting/filming after at least three rewettings of the glass, wherein an example of the polymer is polycarboxylate polymer and E) the balance being an aqueous solvent system comprising water and optionally, non-aqueous polar solvent with only minimal cleaning action selected from the group consisting of methanol, ethanol, isopropanol, ethylene glycol, propylene glycol, glycol ethers having a hydrogen bonding parameter of greater than 7.7, and mixtures thereof (see col. 11, lines 25-37claim 1). The alkaline material is monoethanolamine (see claim 9). One selection of solvent (B) is ethyleneglycolmonoethyl ether (see claim 11). Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have

prepared a composition comprising ethylene glycol n-hexyl ether, amphoteric surfactant, isopropanol, monoethanolamine, and propylene glycol or acrylic polymer or copolymer in their optimum proportions because the teachings of Masters encompass these ingredients. With respect to the proportions of the recited ingredients and the VOC content of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 627 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff* 919 F.2d 1575, 1578,16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454,456,105 USPQ 233,235 (CCPA 1955). In addition, a prima facie case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim*, 541 F.2d 257,191 USPQ 90 (CCPA 1976; *In re Woodruff*; 919 F.2d 1575,16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.051. Also, Applicants have not provided any showing of criticality with respect to their specific ingredients having specific proportions when compared to similar components as those taught by Masters.

With respect to the combination of Michael and Conway as applied to independent claim 62 and other dependent claims; and the combination of Neumiller

'681 and Conway as to claim 62 and other dependent claims, as well as the other prior art combinations, these combinations fail to render obvious within the meaning of 35 U.S.C. 103 for the same reasons as set forth above.

The above responses to Michael, Conway, Neumiller '681, Cummings and Masters apply here as well.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loma M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796